

**REMARKS**

The election requirement is respectfully reversed for the following reasons:


Regarding the species election requirement, the Applicants respectfully submit that the Species I, shown in Figure 1, is generic to both Species I and Species II (shown in Figures 7-12, which basic structure is contained in both species). The Species II builds on Species I and contains additional extrinsic planarizing stop layer, a first conductor layer and a second dielectric layer. The Applicants therefore respectfully submit that both Species I and Species II are covered by the generic construction of Species I. The election requirement to elect species is therefore respectfully traversed.

Regarding the election requirement based on claims 1-6 and claims 7-20, each reciting distinct inventions, the Applicants respectfully submit that, contrary to the Examiners contention, the process as claimed in independent claim 7 cannot be carried out without the step of planarizing the second capacitor plate layer while arriving at the structure of claim 1. The Restriction Requirement based on method and device election is therefore respectfully traversed.

The simultaneous examination of the non-elected claims 7-20 together with elected claims 1-6 is respectfully requested of the Examiner.

Respectfully submitted

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